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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-11-0062 SBA
)	
Plaintiff,	)	STIPULATED REQUEST TO SET
	)	CHANGE OF PLEA AND SENTENCING
v.	)	ON NOVEMBER 2, 2011 AND TO
	)	EXCLUDE TIME UNDER THE SPEEDY
DAGOBERTO G. GARCIA,	)	TRIAL ACT
)	
Defendant.	)	Date: July 29, 2011
	)	Time: 10:00 a.m.
	)	Court: Hon. Sandra Brown
	)	Armstrong

The above-captioned matter is set on July 29, 2011 before this Court for a status conference. The parties request that this Court vacate that date and set this matter for change of plea and sentencing on November 2, 2011 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between July 28, 2011 and November 2, 2011.

The parties have reached an agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and will submit the proposed plea agreement to the Court at the same time as this stipulation. To allow time for the Court to consider the proposed plea agreement and for the preparation of a pre-plea Presentence Investigation Report by the United States Probation Office, the parties request that this matter be set on November 2, 2011 at 10:00 a.m. for change

STIP. REQ. TO SET CHANGE OF PLEA & SENTENCING ON JUNE 15, 2010 & TO EXCLUDE TIME
No. CR-11-0062 SBA

1 of plea and sentencing (assuming the proposed plea agreement is acceptable to the Court).
 2 Defendant agrees that the Court may review the pre-plea Presentence Investigation Report even
 3 though he has not yet pleaded guilty. Since the proposed plea agreement has been submitted to
 4 the Court, the parties further stipulate and agree that the time between July 28, 2011 and
 5 November 2, 2011 should be excluded under the Speedy Trial Act, and specifically pursuant to
 6 18 U.S.C. § 3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be
 7 entered into by the defendant and the attorney for the government.

8
 9 DATED: July 28, 2011

10 /s/

11 _____
 12 CHRISTINA M. McCALL
 13 Assistant United States Attorney
 14 Counsel for United States

/s/

11 _____
 12 SCOTT SUGARMAN
 13 Counsel for Dagoberto Garcia

14
 15 The parties jointly requested that status hearing in this matter be vacated and that this
 16 matter be set for change of plea and sentencing on November 2, 2011 at 10:00 a.m. The parties
 17 further requested that time be excluded under the Speedy Trial Act between July 28, 2011 and
 18 November 2, 2011 to allow time for the Court to consider the proposed plea agreement to be
 19 entered into by the defendant and the attorney for the government, and to allow time for the
 20 preparation of a pre-plea Presentence Investigation Report by the United States Probation Office.
 21 Defendant agreed that the Court may review the pre-plea Presentence Investigation Report even
 22 though he has not yet pleaded guilty. Good cause appearing therefor, and pursuant to 18 U.S.C.
 23 § 3161(h)(1)(G),

24 **IT IS HEREBY ORDERED** that this matter is set for change of plea and sentencing on
 25 November 2, 2011 at 10:00 a.m., and that time between July 28, 2011 and November 2, 2011 is
 26 excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. § 3161(h)(1)(G), for
 27 consideration by the Court of a proposed plea agreement to be entered into by the defendant and
 28 the attorney for the government.

1 **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a
2 Presentence Investigation Report.

3 DATED: 7/28/11

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HON. SAUNDRA BROWN ARMSTRONG
5 United States District Judge
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